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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/138,807	08/21/1998	RAMANATHAN RAMANATHAN	INTL-0083-US	4545

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/138,807

Applicant(s)

RAMANATHAN, RAMANATHAN

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-22 is/are rejected.
- 7) ☒ Claim(s) 9 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:
20. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 4, and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 4, it is unclear what "broadcast content" refers to in relation to the preceding claims. The applicant defines a "web content broadcast" that is combined with a "television broadcast", but "broadcast content" is never introduced nor specified in the specification. For the remainder of this office action, the examiner will interpret "broadcast content" to mean, "web content broadcast".

Referring to claims 14, it is unclear what "said device" is referencing in the preceding dependent claim 13. For the remainder of this office action the examiner will interpret the limitation as "wherein a memory is part of the encoder".

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Referring to claims 15, it is unclear what "said device" is referencing in the preceding dependent claim 13. For the remainder of this office action the examiner will interpret the limitation as "wherein a memory is part of the encoder".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 10, and 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Goodman et al. (U.S. Patent No. 6,173,271).

Referring to claim 1, Goodman discloses setting a first marker in the video transmission (Column 5, Lines 11-20). Goodman also discloses monitoring and verifying a transmission (Column 7, Lines 25-33 and Column 8, Lines 50-54), and reporting the transmission (Column 5, Lines 57-67).

Referring to claim 10, Goodman discloses that advertisers can sign-in to a central server to develop reports from information provided by the advertiser (Column 5, Lines 57-67).

Referring to claim 16, see rejection of claim 1.

4. Claims 12-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Takasu (U.S. Patent No. 6,279,157).

Referring to claim 12, Takasu discloses an encoder that combines different transmissions (Column 2, Lines 5-7). Takasu also discloses a device that sets a first marker in the transmission signal (Column 2, Lines 3-4). Takasu also discloses a counter that tracks the transmission from the point where the first marker was inserted (Column 5, Lines 8-18).

Referring to claim 13, Takasu discloses that the content provider is coupled to the broadcast encoder (Column 3, Lines 48-56 and Figure 1).

Referring to claims 14-15, Takasu discloses that a memory is part of the broadcast encoder and the content provider (Column 4, Lines 7-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-8 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent No. 6,173,271) in view of Miller (U.S. Patent No. 6,064,438).

Referring to claim 2, Goodman discloses all of the limitations in claim 1, and receiving television broadcasts from a content provider 142 (see Figure 1C). Goodman fails to teach receiving web content transmissions. Miller discloses receiving web content within a program packet (Column 8, Lines 16-18, Lines 34-36, and Lines 45-47). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the television advertising automated billing system, as taught by Goodman, utilizing the video indexing protocol, as taught by Miller, for the purpose of providing a useful, descriptive and other program or non-program related information that may be transmitted along with the video signal (Column 2, Lines 41-45 of Miller).

Claim 3 corresponds to claim 2, with the additional limitation of receiving a web content broadcast with a first marker inserted and combining the web content with the television broadcast. Miller discloses combining the packet containing the marker and web content with the television broadcast content (Column 8, Lines 45-47).

Claim 4 corresponds to claim 2, with the additional limitation of receiving the web content from a content provider and inserting the first marker at the broadcast encoder. Miller discloses status information that is provided by the encoder consisting of a first marker and web broadcast content (Column 6, Lines 5-21 and Column 8, Lines 16-50).

Claim 5 corresponds to claim 1, with the additional limitation of invoking a method, which provides a handle to a first marker. Miller discloses a field preceding

program packets for identifying a marker used for activation and synchronization of devices (Column 8, Lines 47-56 and Figure 12).

Claim 6 corresponds to claim 5, with the additional limitation of invoking a method, which obtains current transmission details using a handle. Miller discloses methods for retrieving transmission details using an Opcode handle 807 (Column 7, Lines 9-17).

Claim 7 corresponds to claim 6, with the additional limitation of providing a second marker and second handle associated with the second marker. Miller discloses that multiple markers are sent, and that each marker contains a handle (Column 8, Lines 40-56).

Claim 8 corresponds to claim 7, with the additional limitation of terminating a handle after a method has finished processing. Miller discloses sending a result code to the client application after a method has been called. It would have been obvious to "terminate" the handle for the purpose of releasing the pointer memory used to store the handle that has already served its computational purpose.

Claim 17 corresponds to claim 16, see rejection of claim 2.

Claim 18 corresponds to claim 17, see rejection of claim 3.

Claim 19 corresponds to claim 16, see rejection of claim 5.

Claim 20 corresponds to claim 19, see rejection of claim 6.

Claim 21 corresponds to claim 20, see rejection of claim 7.

Claim 22 corresponds to claim 21, see rejection of claim 8.

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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent No. 6,173,271) in view of Takasu (U.S. Patent No. 6,279,157).

Goodman discloses all of the limitations in claim 1, but fails to teach an on-going count of bits transmitted and time elapsed from the point in time when the first marker is transmitted. Takasu teaches a count value for indicating an encoding start time point (Column 5, Lines 62-67). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the television advertising automated billing system, as taught by Goodman, using the data transmission method, as taught by Takasu, for the purpose of providing a transmission method that facilitates checking whether program data has been transmitted successfully (Column 1, Lines 62-67 of Takasu).

Allowable Subject Matter

7. Claims 9 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Keene (U.S. Patent No. 5,450,122) discloses an in-station television program encoding and monitoring system and method.

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Echeita et al. (U.S. Patent No. 5,826,165) discloses advertisement reconciliation system.

Ullman et al. (U.S. Patent No. 6,018,768) discloses an enhanced video programming system and method for incorporation and displaying retrieved integrated Internet information segments.

Allport (U.S. Patent No. 6,097,441) discloses a system for dual-display interaction with integrated television and Internet content.

Dougherty et al. (U.S. Patent No. 5,737,025) discloses a co-channel transmission of program signals and ancillary signals.

Priest (U.S. Patent No. 6,141,032) discloses a method and apparatus for encoding, transmitting, storing and decoding of data.

Cooper (U.S. Patent No. 6,351,281) discloses a delay tracker.

Thomas et al. (U.S. Patent No. 5,526,427) discloses a universal broadcast code and multi-level encoded signal monitoring system.

Welsh (U.S. Patent No. 5,374,951) discloses a method and system for monitoring television viewing.

Bronfin et al. (U.S. Patent No. 5,200,822) discloses an arrangement for and method of processing data, especially for identifying and verifying airing of television broadcast programs.

Bird et al. (U.S. Patent No. 5,355,161) discloses identification system for broadcast program segments.

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Cooper (U.S. Patent No. 6,330,033) discloses a pulse detector for ascertaining the processing delay of a signal.

Kuhn et al. (U.S. Patent No. 6,297,845) discloses a system and method of in-service testing of compressed digital broadcast video.

Copriviza et al. (U.S. Patent No. 5,646,675) discloses a system and method for monitoring video program material.


Greenberg (U.S. Patent No. 4,805,020) discloses a television program transmission verification method and apparatus.

Lert, Jr. et al. (U.S. Patent No. 4,230,990) discloses a broadcast program identification method and system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.


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